

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. _____

Amending the Multnomah County Zoning Code and Comprehensive Plan, including the County Comprehensive Plan and Zoning Map, to incorporate amendments to the City of Portland's Zoning Code, Sign Code, Tree Code, 2035 Comprehensive Plan Map, and Official City Zoning Map through the Code Reconciliation Project and Map Refinement Project and Declaring an Emergency.

The Multnomah County Board of Commissioners Finds:

- a. Pursuant to an intergovernmental agreement executed in 2002 (the "IGA"), the City of Portland, Oregon ("City"), provides, with certain exceptions, land use planning services for those areas of unincorporated Multnomah County located within the City's Urban Services Boundary (the "Unincorporated Urban Areas").
- b. Because the County retains legislative authority over the Unincorporated Urban Areas, the County assumed an obligation in the IGA to amend County land use policies and regulations to apply applicable City land use policies and regulations, and all subsequent amendments thereto, to the Unincorporated Urban Areas.
- c. Multnomah County incorporated the City of Portland's *2035 Comprehensive Plan* into the County Comprehensive Plan in Ordinance No. 1239, and incorporated the City of Portland's Amended Zoning Code and *Official City Zoning Map* into the County Zoning Code and County Comprehensive Plan and Zoning Map in Ordinance No. 1245.
- d. On May 24, 2018, the Portland City Council adopted by emergency Ordinances 188958 and 188959, which amend Portland City Code Titles 33 (Planning and Zoning), 32 (Signs and Related Regulations), 18 (Noise) and 11 (Trees) to align regulations and more effectively implement the *2035 Comprehensive Plan* through the Code Reconciliation Project. With the exception of the amendments to Title 18 (Noise) and the non-development amendments to Title 11 (Trees), these legislative actions by the City fall within the scope of the IGA. For those actions outside the scope of the IGA, the County need not amend its regulations to apply those changes in the Urban Unincorporated Areas.
- e. On May 24, 2018, the Portland City Council adopted by emergency Ordinance 188960, which further amends the *2035 Comprehensive Plan Map*, and the *Official City Zoning Map* as part of the Map Refinement Project carrying out Portland's *2035 Comprehensive Plan*. This legislative action by the City falls within the scope of the IGA.

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- f. The City of Portland submitted materials for the Code Reconciliation Project (Ordinances 188958 and 188959) and Map Refinement Project (Ordinance 188960) to the Oregon DLCD for review on September 18, 2017.
- g. The City of Portland sent notice of the Code Reconciliation Project and Map Refinement Project proposal and the first evidentiary hearing before the Portland Planning and Sustainability Commission on October 24, 2017 to all neighborhood associations, neighborhood coalitions, and business associations in the city of Portland, as well as other interested persons.

Multnomah County Ordains as Follows:

Section 1. The Multnomah County Comprehensive Plan, including the Comprehensive Plan and Zoning Map, and the Multnomah County Zoning Code are amended to incorporate:

- a) Title 33 (Planning and Zoning) of the *Portland City Code*, as amended by City Ordinance No. 188958.
- b) The development regulations in Title 11 (Trees) of the *Portland City Code*, as amended by City Ordinance No. 188959.
- c) Title 32 (Signs and Related Regulations) of the *Portland City Code*, as amended by City Ordinance No. 188959.
- d) The City of Portland's *2035 Comprehensive Plan*, including the associated Comprehensive Plan Map, as amended by City Ordinance No. 188960; and
- e) The City of Portland's *Official City Zoning Map*, as amended by City Ordinance No. 188960.

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed

by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the City Planning and Sustainability Commission will act instead of the County Planning Commission for the Unincorporated Urban Areas by employing the City's own legislative procedures, while providing notice to, and facilitating participation from, property owners within Unincorporated Urban Areas. The Board will consider the recommendations of the Portland Planning and Sustainability Commission and City Council whenever legislative land use matters for the Unincorporated Urban Areas come before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety, and general welfare of the people of Multnomah County for this ordinance to take effect immediately to best ensure consistency with the City code, plan and map amendments. Under Section 5.50 of the Charter of Multnomah County, this Ordinance shall be effective immediately upon being signed by the Chair of the Board.

FIRST READING AND ADOPTION:

June 7, 2018

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Kim E. Peoples, Director, Department of Community Services.